



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3009372

Applicant Name: Mark X. Plog for David Nilsson

Address of Proposal: 1621 – 24th Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land. Proposed parcel sizes are: A) 3,976 sq. ft. and B) 3,976 sq. ft. Existing single family residence to remain and shed to be removed.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into two parcels.
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Site & Area Description

This 7,952 square foot (sq. ft.) project site is located in a single family residential zone with a minimum lot size of 5,000 square feet (SF 5000), located in Seattle's Central Neighborhood and just east of the Madison-Miller Residential Urban Village (RUV) and just north of the 23rd & Union-Jackson RUV. The zoning on the lots directly to the west on this block (along 23rd Avenue) are Residential Small Lot (RSL) with a TC designation that permits tandem housing and cottage housing developments in addition to detached single-family homes.

The lot fronts on the west side of 24th Avenue. An existing single family residence and detached storage shed resides on the site. The lot also contains a small amount of area that was not originally platted when the subdivisions on both sides of this block were originally subdivided (approximately 3" to 4.6' wide and approximately 180' long). This area provides additional lot area and causes the lot to resemble a T (see illustration).

The subject lot slopes gently upward from the east street-facing property line towards the west property line. 24th Avenue is a paved roadway with sidewalks, curbs and gutters on both sides of the street. It is classified as a Non-arterial Street, pursuant to SMC Chapter 23.53.



The subject site is not located within any identified or designated Environmentally Critical Area. The surrounding properties to the north of East Olive Street are zoned Lowrise, Duplex, Triplex (LDT), Lowrise 1 (L1) and Lowrise 2 (L2). Properties directly to the east along 24th Avenue are zoned SF 5000. Development in the immediate area consists mainly of single-family houses, varying in age and architectural style on a variety of lot sizes, which are consistent with the zoning designations.

Proposal

The proposal is to subdivide one parcel of land into two lots. Proposed lot areas are indicated in the summary above. Both proposed parcels will have street frontage and direct access to 24th Avenue. The existing single family residence will remain and the detached storage shed will be removed.

No development or construction activities are associated with the current proposal. The subject of this analysis and decision is restricted to the proposed division of land.

Public Comment

During the public comment period which ended October 15, 2008, DPD received one written comment letter. The neighbor voiced concerns related to the following:

- Negative impacts to the existing neighborhood's character and the compatibility of the proposal.
- Converting a single-family lot to what is essentially a multi-family development.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees.*

Based on information provided by the applicant, referral comments from the Building Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for single-family residential development with a minimum lot size of 5,000 square feet. The allowed use in a single family zone is one dwelling unit per lot, with accessory dwelling units meeting the provisions of SMC 23.44.041. Maximum lot coverage for the proposed lots are 1,000 square feet plus 15 percent of the lot area (SMC 23.44.010.C – lots less than 5,000 square feet). Front setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. The minimum side yard setbacks are five (5) feet. Minimum rear yard setbacks are twenty-five (25) feet or if lot depth is less than one-hundred twenty five feet (125'), twenty (20) percent of lot depth.

This short subdivision is utilizing the 75% - 80% lot area exception pursuant to SMC 23.44.010.B.1.b. By subdivision, lots in a single family zone may be created which are “[a]t least seventy-five (75) percent of the minimum required lot area and [are] at least eighty (80) percent of the mean lot area of the lots on the same block face within which the lot will be located and within the same zone”. Seventy-five (75) percent of the minimum lot size of the SF 5000 zone is 3,750 square feet. Eighty (80) percent of the mean lot areas on the subject block face between East Olive Street and East Pine Street, exclusive of the subject lot, are 3,881.14 square feet, according to information submitted with the application and supplemented with the King County (KC) Assessor’s records. The proposed lot areas of Lots A and B, 3,976 and 3,976 square feet respectively, are greater than eighty (80) percent of the mean lot area of the lots on the same block face (3,881.14 sq. ft.) and greater than seventy-five (75) percent of the minimum required lot area (3,750 sq. ft.). Thus, the proposed lot configuration meets the exception to the required minimum lot area as contained in SMC 23.44.010.B.1.b.

The lots created by this proposed division of land conform to all development standards of the SF 5000 zone. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Both Parcel A and Parcel B have direct vehicular access via 24th Avenue. An easement will be provided over Parcel B to continue the existing access to Parcel A resulting in a shared driveway. A new curbcut will not be required with no loss of on-street parking capacity. The Seattle Fire Department has no objection to the proposed short plat. All private/public utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and will require an easement to provide for electrical facilities and service to the proposed lots. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on September 25, 2008 (Water Availability Certificate ID #20081095).

The existing single-family residence located on the proposed short plat is connected by means of a single sidesewer to an 8-inch public sanitary sewer (PSS) located in 24th Avenue. A new sidesewer connection will be required for the new single-family home that will eventually be constructed on Parcel B.

Capacity for drainage, water supply and sanitary sewer are available to the lots.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for single-family housing would be provided within the City limits as a result of this subdivision. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

A received comment suggested that the proposed short plat would not be “compatible with surrounding lots”. Granted, the platting patterns of the surrounding single-family lots are oriented east-west in their configuration with the houses developed side-by-side. This proposed short plat will provide another single-family house behind the existing house, rather than side-by-side. The Director finds that this platting pattern is in keeping with the surrounding lots by providing additional single-family development (not multi-family development), which is substantially compatible with the single-family land use comprehensive plan designation, the single-family zoning, the existing uses and the varied lot sizes on this block.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing trees;*

There are three (3) trees greater than 6” in diameter as measured at breast height located on the site. It may be possible that these trees can be preserved, depending upon the location of any future construction, the extent of the root systems and the overall health of the trees. Future construction will be subject to the provisions of SMC 23.44.008, 25.11.050, 25.11.060 and Director’s Rule (DR) 16-2008 which sets forth tree planting and exceptional tree protection requirements on single family lots. It should be noted that the 30” Douglas fir located near the northern property line is located within the area that will be used for the access. The 10” pear tree located near the center of the existing lot may be in the way of the future driveway serving the development. There is another 30” Douglas fir near the western property line of Lot B and could be protected during all subsequent development. An arborist’s report will be required to be provided prior to future development of Parcel B so an appropriate determination in regard to saving the 2 Douglas fir trees and the 10” pear tree can be made. All trees shown on the survey should be maintained until a development permit has been issued for Parcel B.

The remaining 2 criteria are not applicable to this application.

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Insert the following on the face of the plat; "Tree preservation and planting options and landscaping requirements of Seattle Municipal Code 23.44.008 require preserving existing trees or planting new trees for new single family development. Existing trees shall not be removed until a permit for future development has been issued."
4. A no-protest agreement for future street improvements to 24th Avenue shall be signed and recorded with the King County Department of Records and Elections. A copy of the recorded No-protest to Formation of a LID agreement shall be provided to the DPD planner (Craig Flamme, 206.233.7223).
5. Locate the existing tree locations noting their size, common and species name, and identifying their drip line on the final short plat map.
6. The existing legal description should describe the lot as one development site to be subdivided, not 2 parcels. The two existing parcels shall be described as "together with".
7. All references to lots within the legal descriptions shall be changed to parcel.
8. The ingress/egress legal description shall be changed to match the new lot configurations.
9. The legal description for Parcel A shall be changed to read 39.72' (last paragraph, 3rd line from the bottom) and S66° 44' 02"W (same paragraph, 2nd line from the bottom). All easements shall also be referenced in the legal descriptions as required.

10. The parking area shown on Parcel A shall be removed from the final plat map. A permit to establish the parking space on Parcel A shall be applied for, the parking space constructed and a final construction inspection approved by a building inspector. Copies of the issued permit, site plan showing the parking space location, and the final inspection report approving the space shall be provided to the land use planner (Craig Flamme, 206.233.7223).

After Recording and Prior to Issuance of a Building Permit

11. Attach a copy of the recorded subdivision to all future building permit application plans.
12. Provide an arborist's report with any future development applications related to Parcel B with the goal of protecting the 2 existing 30" Douglas fir trees and the 10" pear tree noted on the short plat map. If the 30" Douglas fir tree located near the northern property line and the 10" pear tree cannot be saved due to providing required access they may be removed, but only after a review of an arborist's report prior to building permit issuance.

Signature: (signature on file)
Craig Flamme, Land Use Planner
Department of Planning and Development

Date: December 17, 2009